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PART IV

Legislative Measures and Rules thereunder

NOTIFICATIONS.

No. R. 322—L. R. 492-45-3, dated Bangalore the 9th July 1946.

In exercise of the powers vested in them by Section 233 of the Mysore Land Revenue Code and in pursuance of Government Order No. R. 320-31—L. R. 492-45-2, date 9th July 1946. Government are pleased to direct that the following be substituted as clause 9 of the existing rule 43 of the Land Revenue Rules for clauses 9 and 10 of the said rule:—

(*a*) Lands Containing a ten or more sandal trees of 12″ and above in girth per acre should be reserved to Government or disposed of only in consultation with the Forest Department;

(*b*) Lands containing smaller number of such developed tress may be granted for cultivation under the orders of the Deputy Commissioner, who, before passing orders, should get a complete list of both trees and plants of Sandal in the land and consider the desirability or otherwise of granting the said land keeping in view the intention of Government to reserve all lands containing thick sandal growth.

J. B. MALLARADHYA, *Rev. Secy.*

No. D. 453—Geol. 3-46-2, dated Bangalore, the 12th July 1946.

In exercise of the powers vested in them under Rule 54 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Notification No. A. F. 2587—Geol. 60-41-13, dated the 5th November 1942, prohibiting the carrying, use, sale or other disposal by any person, of fireworks of whatever description be modified by suspending its operation for the period from 12th July 1946 to 16th July 1946, both days inclusive.

No. T. 118—R. T. 23-45-17, dated Bangalore, the 13th July 1946.

The Government of His Highness the Maharaja are pleased to direct that the amendment to the Mysore Civil Motor Cars Control Order 1945, published on page 177 part IV of the *Mysore Gazette* dated 21st March 1946 under Notification No. T. 249-7—R. T. 23-45-13, dated 18th March 1946 be cancelled.

MAHOMED ISMAIL SHERIFF, *Genl. Secy.*

No. S.D.. 293—C. 61-45-52, dated Bangalore, the 11th July 1946.

In exercise of the powers conferred by Rule 81 (2) (a) of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja of Mysore are hereby pleased to direct that the restriction on the export of potatoes from any place in the State to any place outside the State imposed under Notification No. SD. 8423-38, dated, 8/11-2-1943 be withdrawn.

C. E. NORONHA, *Dev. Secy.* (*Food Supplies.*)

No. R. L. 72—Legis. 3-46-1, dated Bangalore, the 16th July 1946.

Ordered that the accompanying Hoarding and Profiteering Prevention (Amendment) Act, 1946, which received the assent of His Highness the Maharaja, on the 7th day of July 1946, be published as Act No. XXVI of 1946, in the *Mysore Gazette* for general information.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

ACT No. XXVI OF 1946.

THE HOARDING AND PROFITEERING PREVENTION (AMENDMENT) ACT, 1946.

(Received the assent of His Highness the Maharaja on the 7th day of July 1946).

An Act to amend the Hoarding and Profiteering Prevention Act, 1944.

WHEREAS it is expedient to amend the Hoarding and Profiteering Prevention Act, 1944 (XXII of 1944) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Hoarding and Profiteering Prevention (Amendment) Act, 1946;

(2) It shall come into force at once.

Amendment of Section 2, Act XXII of 1944.

2. In sub-clause (i) of clause (*h*) of section 2 of the Hoarding and Profiteering Prevention Act, 1944 (hereinafter referred to as the said Act), after the words "another person" the words "or when held by that person on behalf of another person" shall be inserted.

Amendment of Section 4, Act XXII of 1944.

3. To section 4 of the said Act, the following sub-section should be added, namely—

"(3) Where any article is sold, offered for sale or otherwise disposed of in contravention of sub-section (1) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless they prove that they exercised due diligence to prevent such contravention, the dealer or producer, as the case may be, and any person having charge on behalf of the dealer or producer of the place where the contravention occurred, shall be liable to the punishment provided by sub-section (1) of section 13, whether or not they were present when the contravention occurred."

Amendment, of Section 6, Act XXII of 1944.

4. (1) In sub-section (2) of section 6 of the said Act,—

(*a*) in clause (*c*) for the words "a consideration" the words "the consideration" shall be substituted and after the words "cost of production" the following shall be inserted, namely—

"of the article, such cost of production being deemed to be exclusive of the amount, if any, by which the price paid by the producer for

any component part of the article exceeded (i) the maximum price fixed for the component part under section 3 and in force at the time of its purchase by the producer, or (ii) where no maximum price had been so fixed for the component part, the amount represented by the addition allowed by the normal trade practice in force on the 31st day of August 1939 to the cost of production of the component part."

(*b*) in the proviso, for the words beginning with "and unless such report has been made" and ending with "for a consideration which is unreasonable" the following shall be substituted, namely—

"and the dealer or producer, as the case may be, shall be deemed to sell for a consideration which is unreasonable if such report has not been made or if after such report has been made and the Controller has varied such addition, the price charged exceeds the limits approved by the Controller under this proviso."

(2) To the said section 6, the following sub-section shall be added, namely—

"(5) Where any article is sold, offered for sale or otherwise disposed of in contravention of sub-section (1) by a dealer or producer through any person employed by him or acting on his behalf, such person and also, unless they prove that they exercised due diligence to prevent such contravention, the dealer or producer, as the case may be, and any person having charge on behalf of the dealer or producer of the place where the contravention occurred, shall be liable to the punishment provided by sub-section (1) of section 13, whether or not they were present when the contravention occurred."

Amendment of Section 9, Act XXII of 1944.

5. In section 9 of the said Act, after the word "limits" the words "if any" shall be inserted.

Substitution of new section for section 9A, Act XXII of 1944.

6. For section 9-A of the said Act the following section shall be substituted, namely—

"9A. Power of Controller to order or prohibit sale.—The Controller may, by order in writing, direct any dealer or producer—

(*a*) to sell to any specified person any specified article or articles in such quantity, within the limits, if

any, as to quantity imposed by this Act, as may be specified in the order,

(*b*) not to sell except to such persons as the Controller may, in the order or otherwise, specify any specified articles or classes of articles for such period not exceeding twenty-one days as may be specified in the order."

Amendment of Section 11, Act XXII of 1944.

7. In sub-section 3) of section 11 of the said Act, after the word "alter" the words "or cause to be destroyed, effaced or altered" shall be inserted.

Amendment of Section 12, Act XXII of 1944.

8. (1) In sub-section (1) of section 12 of the said Act,—

(*a*) For clause (*e*) the following clause shall be substituted:—

"(*e*) enter and search any premises."

(*b*) For clause (*f*) the following clause shall be substituted:—

"(*f*) seize or direct the seizure of any article in respect of which he suspects that an offence under this Act has been, is being or is about to be committed and thereafter take or direct the taking of all measures necessary for securing the production of the article in a court."

(2) To the said section 12 the following sub-section shall be added, namely—

"(3) The Controller and such Inspectors and other officers as may be empowered by the Government in this behalf shall, within the respective areas for which they are appointed, have power to investigate all offences punishable under this Act and in conducting any such investigation shall, within the said areas, have all the powers, duties, privileges and liabilities of an officer in charge of a Police Station under the Code of Criminal Procedure, 1904 (11 of 1904), when investigating a cognisable offence within the limits of his station."

Amendment of Section 13, Act XXII of 1944.

9. To section 13 of the said Act the following sub-section shall be added, namely—

"(4) Notwithstanding anything to the contrary in clause (*a*) of sub-section (1) of section 32 of the Code of Criminal Procedure, 1904,

a Magistrate of the First Class specially empowered by the Government in this behalf may impose a sentence of fine exceeding one thousand rupees for any offence punishable under this Act."

Amendment of Section 14A, Act XXII of 1944.

10. In sub-section (2) of section 14A of the said Act, for the words "evidence of that landed cost" the following shall be substituted, namely—

"proof of that landed cost, and in giving the said certificate such of the following charges as are actually incurred in connection with the article shall be taken into account, namely, buying commission, insurance premium, freight, customs duty paid, landing and clearing charges up to deposit of the article in the importer's warehouse or other place of storage and charges made by banks for transmitting shipping documents."

N. MADHAVA RAU,

Dewan.

No. C. 153—Co. 1-45-160, dated Bangalore, the 12th July 1946.

In exercise of the powers conferred by clause (c) of sub-section (1) of section 3 of the Hoarding and Profiteering Prevention Act 1944 (Act XXII of 1944), the Government of His Highness the Maharaja are pleased to direct that their Notification No. C. 363—Co. 33-44-108, dated the 18th October 1945 shall be cancelled.

No. C. 155—Co. 1-45-153, dated Bangalore, the 12th July 1946.

In exercise of the powers conferred by clause (c) of sub-section (1) of section 3 of the Hoarding and Profiteering Prevention Act 1944 (Act XXII of 1944), the Government of His Highness the Maharaja are pleased to direct that their Notification No. C. 167—Co. 1-45-22, dated the 30th August 1945 shall be cancelled.

No. C. 161—Co. 13-45-4, dated Bangalore, the 13th July 1946.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that, with effect from 15th July 1946, the following further amendment shall be made in the Paper Control (Price of Board) Order, 1944, and to direct with reference to sub-rule (1) of rule 119 of the said rules, notice of the said amendment shall be given by the publication in the Gazette and issue of a Press Note.

In clause 3 of the said Order, for entries "21-8", "28-8", "22-8" and "29-8", the entries "20-0", "25-0" "21-0" and "26-0", respectively shall be substituted.

No. C. 185—Co. 1-45-162, dated Bangalore, the 15th July 1946.

In exercise of the powers conferred by clause (*c*) of sub-section (1) of Section 3 of the Hoarding and Profiteering Prevention Act, 1944 (Act XXII of 1944), the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the Notification No. C. 73—Co. 1-45-14, dated the 23th July 1945, namely,—

In Part I of the Schedule annexed to the said Notification, items No. 13, 34 and 141 relating to Pond's Cream (English), Pond's Powder (made in England) and Pond's Lipstick, respectively, shall be deleted.

E. V. GANAPATI IYER, *Civil Supplies Secy.*

No. S. D. 472—R. 138-45-7, dated Bangalore, the 16th July 1946.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are hereby pleased to direct that no mill shall produce 'maida' from wheat except under or in accordance with a permit granted by the Director of Food Supplies in Mysore or any other officer authorised by him, and to direct with reference to sub-rule 1 of rule 119 of the said rules that notice of the Order shall be given by the publication of the same in the official gazette.

C. E. NORONHA, *Dev. Secy. (Food Supplies).*

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